

**BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE NO. 05-2020**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF
SUSSEX AND STATE OF NEW JERSEY AMENDING AND
SUPPLEMENTING CHAPTER 2, ARTICLE III, SECTION 2-19 OF THE
BOROUGH CODE ENTITLED "POLICE DEPARTMENT"**

WHEREAS, the Borough of Ogdensburg ("Borough") desires to update and amend Chapter 2, Article III, Section 2-19 of the Code of the Borough entitled "Police Department."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Ogdensburg, in the County of Sussex and State of New Jersey that Chapter 2, Article III, Section 2-19 of the Borough Code entitled "Police Department" is hereby amended as follows:

SECTION I. New Section 2-19.1.1 entitled "Designation of Appropriate Authority" is hereby added to Chapter 2 as follows:

2-19.1.1 Designation of Appropriate Authority.

In accordance with N.J.S.A. 40A:14-118, the Mayor is hereby designated as the "Appropriate Authority." The Appropriate Authority shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt and promulgate Rules and Regulations for the government of the Police Department and for the discipline of its members.

SECTION II. Section 2-19.4 entitled "Appointment of Officers" is hereby deleted in its entirety and replaced as follows:

2-19.4 Appointment of Officers.

a. *Chief of Police.* No person shall be appointed Chief of Police unless he fully satisfies all of the requirements set forth in the New Jersey statutes, and all requirements promulgated by the New Jersey Civil Service Commission including but not limited to the following:

1. Graduation from high school, vocational high school, or possession of a high school equivalency certificate;
2. Be not less than 18 nor more than 35 years of age at the announced closing date for filing applications for the position;
3. Be a United States citizen;
4. Five years of supervisory police experience providing assistance and protection to persons, safeguarding of property, observance of the law, and apprehension of lawbreakers;
5. Possess a driver's license valid in New Jersey;

6. Have the requisite knowledge and abilities described in the job specifications for Police Chief established by the New Jersey Civil Service Commission; and
7. Pass a thorough medical and psychiatric examination to be administered by the Borough of Ogdensburg.

b. *Police Sergeant.* No person shall be appointed Police Sergeant unless he fully satisfies all of the requirements set forth in the New Jersey statutes, and all requirements promulgated by the New Jersey Civil Service Commission including but not limited to the following:

1. Graduation from high school, vocational high school, or possession of a high school equivalency certificate;
2. Be at least 18 years of age;
3. Be a United States citizen;
4. Three (3) years of experience in police activities intended to provide assistance and protection for persons and property;
5. Possess a driver's license valid in New Jersey;
6. Have the requisite knowledge and abilities described in the job specifications for Police Sergeant established by the New Jersey Civil Service Commission; and
7. Pass a thorough medical and psychiatric examination to be administered by the Borough of Ogdensburg.

c. *Police Officer.* No person shall be appointed Police Officer unless he fully satisfies all of the requirements set forth in the New Jersey statutes, and all requirements promulgated by the New Jersey Civil Service Commission including but not limited to the following:

1. Graduation from high school, vocational high school, or possession of a high school equivalency certificate;
2. Be not less than 18 nor more than 35 years of age at the announced closing date for filing applications for the position;
3. Be a United States citizen;
4. Possess a driver's license valid in New Jersey;
5. Have the requisite knowledge and abilities described in the job specifications for Police Officer established by the New Jersey Civil Service Commission;

6. Pass a thorough medical and psychiatric examination to be administered by the Borough of Ogdensburg; and
7. Successful completion of a training program mandated by the New Jersey Police Training Commission within 18 months of appointment.

SECTION III. The first full sentence of Section 2-19.6(b) is hereby deleted and replaced as follows:

2-19.6 Qualifications.

- b. No person shall be appointed to the Police Department as a regular or probationary member unless he shall, at the time of making application, be between the ages of eighteen (18) and thirty-five (35) years, except as provided by law in the case of veterans.

SECTION IV. Section 2-19.9(a) is hereby deleted in its entirety and replaced as follows:

2-19.9 Powers and Duties.

a. *Chief of Police.* Pursuant to N.J.S.A. 40A:14-118, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority for its efficiency and routine day to day operations. Pursuant to the policies established by the appropriate authority, the Chief of Police shall:

1. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the Police Department and its officers and personnel;
2. Have, exercise, and discharge the functions, powers and duties of the Police Department;
3. Prescribe the duties and assignments of all subordinates and other personnel;
4. Delegate such of his authority as he may deem necessary for the efficient operation of the Police Department to be exercised under his direction and supervision; and
5. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the Police Department during the preceding month, and make such other reports as may be requested by such authority.

SECTION V. Section 2-19.10 is hereby deleted in its entirety.

SECTION VI. Section 2-19.17 entitled "Special Law Enforcement Officers" is hereby deleted in its entirety and replaced as follows:

2-19.17 Special Law Enforcement Officers.

a. “*Special law enforcement officer*” means any person appointed pursuant to this article to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a municipality, or to provide assistance to a police force during unusual or emergency circumstances.

b. *Appointments.* Special law enforcement officers may be appointed in the Borough of Ogdensburg in accordance with the provisions of this article and the provisions of N.J.S.A. 40A:14-146.8, Special Law Enforcement Officers’ Act, and all amendments thereto. Appointments of special law enforcement officers shall be made by the Mayor and Council of the Borough of Ogdensburg. There may be appointed such number of said special law enforcement officers as may be required, provided the total number does not exceed any limits imposed in the Special Law Enforcement Officers’ Act and New Jersey statutes.

c. *Classes of Special Law Enforcement Officers.* There shall be two classes of special law enforcement officers based upon the duties to be performed as follows:

1. *Class One.* Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties. Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and a Class One officer shall not be assigned any duties which may require the carrying or use of a firearm.
2. *Class Two.* Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Police Training Commission established in the Department of Law and Public Safety (“Police Training Commission”). Class Two Officers shall not carry a firearm except while engaged in the actual performance of the officer’s official duties and when specifically authorized by the Chief of Police, or, in the absence of the Chief, other chief law enforcement officer of the Borough of Ogdensburg.

d. *Term.* Special law enforcement officer(s) shall be appointed for a term not to exceed one (1) year; provided, however, that the appointment may be revoked by the Mayor and Council for cause at a hearing unless the appointment is for four (4) months or less, in which event, the appointment may be revoked without cause or hearing pursuant to N.J.S.A. 40A:14-146.14 et seq. Nothing herein shall be construed to require reappointment upon the expiration of a term. Special law enforcement officers so appointed shall not be members of the Police Department of the Borough of Ogdensburg, and their powers and

duties as determined pursuant to this article, and the New Jersey Statutes shall cease at the expiration of the term for which the special law enforcement officer was appointed.

e. *Qualifications.* A person shall not be appointed as a special law enforcement officer unless the person:

1. Is a resident of this State during the term of appointment;
2. Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
3. Is sound in body and of good health;
4. Is of good moral character;
5. Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;
6. Has successfully undergone the same psychological testing that is required of all full-time police officers in the Borough of Ogdensburg.
7. Shall have had fingerprints taken, which shall be filed with the Division of the State Police and Federal Bureau of Investigation.
8. Is not serving as a special law enforcement officer or regularly appointed full-time police officer of any municipality or public official with responsibility for selecting law enforcement policy or exercising authority over the budget of the Borough or supervision of the Police Department of the Borough.

f. *Application.* Every applicant for appointment as a special law enforcement officer shall submit a written application, verified under oath, setting forth his qualifications for the position and other data in the form and manner as hereafter may be prescribed by the governing body.

g. *Approval by the Chief of Police or Appropriate Authority.* Before any special law enforcement officer is appointed pursuant to this article and applicable New Jersey statutes, the Chief of Police, or, in the absence of the Chief, another chief law enforcement officer of the Borough of Ogdensburg shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the Mayor and Council of the Borough of Ogdensburg

h. *Training.* A person shall not commence the duties of a special law enforcement officer unless the person has successfully completed a training course approved by the Police Training Commission. A special law enforcement officer shall not be issued a firearm unless the officer has successfully completed the basic firearms course approved by the Police Training Commission for permanent, regularly appointed police and annual requalification examinations as required by N.J.S.A. 40A:14-146.14(b)

i. *Hours.* Special law enforcement officers may be employed to serve for no more than the number of hours prescribed by applicable provisions of the Special Law Enforcement Officers Act.

j. *Uniforms.* Every special law enforcement officer prior to the commencement of his duties shall be furnished with a uniform which shall identify the officer's function. The uniform shall include, but not be limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the Borough of Ogdensburg. The uniform shall also include an insignia issued by the Police Training Commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification issued pursuant to this article. All special law enforcement officers prior to the commencement of duties shall be in uniform properly displaying the appropriate insignia. Nothing in this article shall preclude the designation on an insignia to read either "Special Police" or "Special Law Enforcement Officer."

k. *Supervision and Direction.*

1. A special law enforcement officer shall be under the supervision and direction of the Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the Borough of Ogdensburg, and shall perform the officer's duties only in the Borough of Ogdensburg except when in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a mutual aid agreement enacted in accordance with section 1 of P.L.1976, c.45 (C.40A:14-156.1).
2. Special law enforcement officers shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the local unit, as well as any rules and regulations applicable to the conduct and decorum of special law enforcement officers.

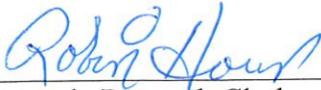
l. *Special Law Enforcement Officers' Act.* All special police officers appointed by the Borough of Ogdensburg shall comply with N.J.S.A. 40A:14-146.8, Special Law Enforcement Officers' Act, and all amendments thereto.

SECTION VII. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

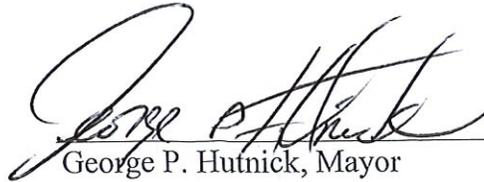
SECTION VIII. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION IX. This Ordinance shall take effect immediately upon final passage and publication according to law.

Attest:



Robin Hough, Borough Clerk



George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on Monday, July 13, 2020, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on Monday, July 27, 2020 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.

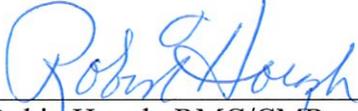


Robin Hough, RMC

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 05-2020**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX
AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 2,
ARTICLE III, SECTION 2-19 OF THE BOROUGH CODE ENTITLED "POLICE
DEPARTMENT".**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building and via zoom/audio conference on the 13th day of July, 2020, and the same came up for final passage at a meeting of the said Borough Council on the 27th day of July, 2020, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.



Robin Hough, RMC/CMR